

19156

CONGRESSIONAL RECORD — SENATE

August 15

to be a member of the Council of Economic Advisers.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

DEPARTMENT OF STATE

The legislative clerk read the nomination of James L. Greenfield, of the District of Columbia, to be Assistant Secretary of State.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

DEPARTMENT OF JUSTICE

The legislative clerk proceeded to read sundry nominations in the Department of Justice.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that these nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations will be considered en bloc; and, without objection, they are confirmed.

THE FOREIGN SERVICE

The legislative clerk proceeded to read sundry nominations in the Foreign Service, which had been placed on the Secretary's desk.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that these nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations will be considered en bloc; and, without objection, they are confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of all these nominations.

The PRESIDING OFFICER. Without objection, the President will be notified forthwith.

LEGISLATIVE SESSION

On motion by Mr. MANSFIELD, the Senate resumed the consideration of legislative business.

DIRKSEN AMENDMENT TO FOREIGN AID BILL

Mr. DOUGLAS. Mr. President, last night in discussing the rotten borough amendment, I mentioned the fact that one of the great newspapers of the country, the Charleston Gazette on August 13, 1964, published an editorial entitled "Dirksen's Rider Makes No Sense."

I ask unanimous consent that this editorial be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

DIRKSEN'S RIDER MAKES NO SENSE

Senator DIRKSEN, his tongue not even in his cheek, has offered an inane rider to the foreign aid bill which strikes directly at the heart of judicial authority. His amendment would prohibit Federal courts from rendering decisions in any apportionment case for from 2 to 4 years.

Parenthetically, congressional hostility toward the Supreme Court is revealed in the recent Federal salary increase bill that pro-

vides a raise of \$7,500 to all Federal judges except those nine on the Supreme Court. They get only \$4,500 more in salary.

The latter action is punitive pettiness, but DIRKSEN's contemplated maneuver is unwarranted meddling in the Court's jurisdiction. That there is precedent for his act, it is true. Once before, in 1869, the Court appeared to be about to invalidate some of the harsh Reconstruction measures Congress had decided to impose upon the South. In reprisal the Congress removed the Court's authority to handle any matter arising in connection with its bill, whose later consequences caused untold trouble.

Today, 7 out of every 10 American citizens live in an urbanized area, yet not a single State is apportioned in either branch of its legislature reflecting this tremendous shift in population. For reasons patently obvious, State legislatures have consistently refused to follow the democratic principle of one man equals one vote. Therefore, citizens in order to obtain adequate representation have sought relief through the courts. The courts have been the lone avenue open for redress.

Aside from the fact that the rider itself is dubious legislation, certainly it has no place in a foreign aid bill. The two subjects are completely incompatible. If Congress is determined to intrude in this area, it ought to do so with a bill that is germane to the subject.

Ironically, there can be little question that the rise of Federal authority, which many Americans condemn, has resulted precisely because urban areas are underrepresented in their legislatures. Metropolitan areas have had to seek assistance on their manifold problems from the Congress. Legislatures are deaf to their pleas of aid.

It is not at all inconceivable that one way to reduce the so-called bureaucratism of the Federal Government is to give cities and towns more power to resolve their own problems. This can come about only if State governments permit it. Reapportionment is essential to more responsible and responsive local government. Senator DIRKSEN should know this. His current effort is deplorable, and President Johnson should oppose it with all the resources at his command.

AMENDMENT TO THE FEDERAL FIREARMS ACT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 1374, S. 3068.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 3068) to amend the Federal Firearms Act, as amended, to authorize the Secretary of the Treasury to relieve manufacturers from certain provisions of the act if he determines that enforcement would impair the national security.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 6 of the Federal Firearms Act, as amended

(52 Stat. 1252; 15 U.S.C. 906), is further amended to read as follows:

"SEC. 6. RELIEF OF CONVICTED MANUFACTURERS.—The Secretary may, when he finds that the discontinuance of operations by a licensed manufacturer convicted of crime punishable by imprisonment for a term exceeding one year would be likely to impair national security, relieve such manufacturer from the disabilities incurred under this Act by reason of such conviction."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1439), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The bill would delete present section 6 of the Federal Firearms Act, as amended, "Effective Date of Chapter" (52 Stat. 1252; 15 U.S.C. 906) which no longer has any substantive effect and substitute therefor language which would give the Secretary of the Treasury discretionary authority to relieve a manufacturer from the disabilities incurred under the act when the Secretary finds that discontinuance of the manufacturer's operation would impair the national security. The bill would in no way limit or impair the effectiveness of the act for achieving the purposes for which it was originally framed. It would not affect the authority of the Government to proceed against the traffic in arms and ammunition by undesirable elements in the community and to punish those elements accordingly.

BACKGROUND OF LEGISLATION

Under the existing provisions of the Federal Firearms Act, as amended (52 Stat. 1250; 15 U.S.C. 901-909), it is unlawful for a person who has been convicted of a crime punishable for a term exceeding 1 year, to ship or receive firearms or ammunition in interstate or foreign commerce, to be issued a manufacturer's license or to engage in certain other activities involving firearms or ammunition.

This language was adopted by the Congress in 1961 with the objective of assisting the fight against organized crime and racketeering. Prior to 1961, the act prohibited shipments by or to only persons indicted for, or convicted of, a "crime of violence." The crime of violence was changed to any crime which measures up to the Federal standard of a felony; that is, any crime punishable by imprisonment for a term exceeding 1 year. This amendment was one of several sponsored by the Attorney General and supported by the Congress in order to broaden the groups of persons who could be prosecuted under Federal law and to strengthen the hand of the Government in dealing with professional criminals.

It was not until very recently brought to the committee's attention that the automatic invoking of the absolute sanctions required by the present language could force the discontinuance of operations of a licensed manufacturer where such discontinuance might adversely affect the national security.

NEED FOR LEGISLATION

General

This bill is needed to insure that the industrial mobilization base of the U.S. firearms industry be not interrupted or curtailed.

The Department of Defense places major responsibility on industry with respect to small arms requirements. Weapons are developed by a combination of engineering skill in the Government arsenals and the research and production skills of industry. Furthermore, private industry has the major